

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14645 of 2018

Arising Out of PS.Case No. -71 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
SITAMARHI

- =====
1. Mukesh Kumar, Son of Late Ramprit Sah,
 2. Sushil Kumar Manjhi, son of Gonu Manjhi. Both are residents of
Village- Kanhauli (Chhota Tola, Ward No. 3), Police Station- Kanhauli,
District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2018 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since
04.02.2018 in connection with Case No. C2/71/18 for offences
punishable under Section 30(A) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, as lodged by the Excise Officials,
is that during checking on Indo Nepal Border, four persons
including the petitioners were apprehended. The petitioners were
carrying 27 liters each of Nepali Saufi wine.



It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and have been falsely implicated by the Excise Officials. He submits that the petitioners were going to attend the marriage party and on suspicion and due to highhandedness of the Excise Officials, they have been alleged to have committed the said offence. They undertake to cooperate in the investigation, provide necessary information and not to tamper with the evidence or prosecution witnesses in any manner whatsoever.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Sitamarhi in connection with Case No. C2/71/18, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.



(2) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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